ORDINANCE NO. 4

Series, 1963

AN ORDINANCE RELATING TO AND LICENSING COIN OPERATED AMUSEMENT DEVICES, PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE AND PENALTY FOR THE VIOLATION THEREOF, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

The City of Elgin does ordain as follows:

Section 1: Coin Operated Amusement Machines: It shall be unlawful to sell, operate or use, or permit to be operated or used, or exhibit or display with intent that the same may be sold, operated or used, any coin operated amusement device, which may be used for gambling or for playing a game of chance, or in any game which the element of chance predominates over skill; or to sell or display for purpose of sale, or to keep, maintain or operate or permit to be kept, maintained or operated any such coin operated amusement device which is constructed or may be used to pay off in cash or negotiable instruments or in any manner whatsoever, and no license shall be issued for operation or use of such device. This prohibition shall not apply to any such device which is so constructed, operated and designed only to permit automatically the paying of additional games, and such privilege shall not constitute a payoff as herein defined. This Ordinance does not apply to coin operated vending machines.

Section 2: Machine License: It shall be unlawful for any person, firm or corporation to own, operate or maintain any coin operated amusement device within the City of Elgin, as described in Section 3, or coin operated phonographs or coin operated music devices, without first having secured a license as hereinafter prescribed.

Section 3: Operator's license: It shall be unlawful for any person, firm or corporation engaged in the coin operated amusement business and to operate the same without having first secured an operator's license. An operator is any person, firm or corporation who owns, maintains and exhibits for use, play or operation, or releases or rents to, or places with others any coin operated amusement devices, including coin operated phonographs and coin operated music device, for use, play or operation.

Section 4: Qualifications of Licensee: No person of questionable moral character, or firm or corporation of which a person of questionable moral character is a member, or any person, firm or corporation deemed by the City Council of the City of Elgin to be unsuitable to engage in the business as an operator within the City of Elgin shall be entitled to hold any license required by this ordinance.

Section 5: Application for License: No license provided for in this ordinance shall be issued by the City Recorder without the approval of the City Council. Every person applying for any license herein provided for shall make written application to the City Council on an application form to be prepared by the City Recorder, and at the time of the application shall deposit with the City Recorder the amount of the license fee, for which deposit the City Recorder shall issue his official receipt. Such application may be approved or denied by the City Council, the action of the City Council in respect thereto shall be noted on the application. If the application is denied, the applicant shall be entitled the return of the license fee deposited by him on delivery to the City Recorder of the receipt thereof. If the application is approved, the City Recorder shall issue the license therein applied for.

Each person, firm or corporation is required to have an individual license and shall not operate with, for or on behalf of anyone not having a license. The license shall contain the name of the operator responsible for such device or

devices, and shall contain the name and address of the licensee. License granted under this ordinance shall not be transferable from one person to another and shall be revocable upon violation of this ordinance.

Section 6: Term of License: License to be issued hereunder shall be for the period commencing the 1st day of January and ending the 31st day of December of each year; provided, however, that license issued for part of a year shall be prorated. The license fee chargeable shall be as follows:

Operator's License Fee: For all coin operated amusement devices, including coin operated phonographs, and coin operated music devices, the sum of $75.00 per year, payable annually in advance.

Section 7: Monthly License Fee for each Machine: In addition to the annual operator's license fee, said operator shall pay to the City Recorder on the 1st day of each month, the sum of $10.00 for each amusement device he is operating within the City of Elgin. Each such machine shall have affixed thereto a license tag or sticker; and any machine not having the same affixed thereto shall be subject to immediate seizure by the Chief of Police.

Section 8: Play by Persons Under Eighteen Years of Age Prohibited: It shall be unlawful for any person under the age of 18 years to play or operate any coin operated amusement device, save and except coin operated phonographs and coin operated music devices, and it shall be unlawful for any owner, manager or other person in charge of any premises where any coin operated amusement devices are kept, used or operated to permit or allow any person under the age of 18 years to play or operate such coin operated amusement device, save and except coin operated phonographs and coin operated music devices.

Section 9: Revocation, Cancellation and Suspension: City Council may at any time, and for cause, revoke, cancel or suspend any license issued by virtue of this ordinance.

Section 10: Repeal of Ordinances: Ordinance No. 4, Series, 1954, and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11: Validity of Ordinance: If any section, part of section, sentence or clause of this ordinance shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 12: Penalty: Any violation of the provisions of this ordinance shall constitute a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $300.00 or imprisonment in the city jail not exceeding thirty (30) days, or may be so fined or imprisoned.

Section 13: Emergency: Whereas peace, health and safety of the people of the City of Elgin is involved and in order to properly safeguard the welfare of the people there is and exists the necessity and emergency, and an emergency is hereby declared to exist requiring the immediate passage of this ordinance, this ordinance shall therefore be in full force and effect from and after its passage and the same shall have been signed by the Mayor.

Passed by the City Council this 14th day of May, 1963.

Approved by the Mayor this 14th day of May, 1963.

Lloyd C. Spike
Mayor

Attested and filed this
14th day of May, 1963.

Ethel J. Hurst
City Recorder